

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

November 12, 2010

PSF No.: 10HD-146

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

**HAWAII**

Grant of Term, Non-Exclusive Easement to United States Department of Agriculture, Forest Service, for Stream-flow Monitoring Station Purposes, Manowaiopae, North Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 3-6-006:007.

**APPLICANT:**

United States Department of Agriculture (USDA), Forest Service.

**LEGAL REFERENCE:**

Section 171-95, Hawaii Revised Statutes, as amended.

**LOCATION:**

Portion of Government lands of Manowaiopae Homesteads situated at Manowaiopae, North Hilo, Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/ 3-6-006:007, as shown on the attached map labeled Exhibit A.

**AREA:**

36 square feet, more or less.

Exact area and location to be determined by independent survey, subject to review and verification by the Department of Accounting and General Services, Survey Division.

**ZONING:**

State Land Use District:	Agriculture
County of Hawaii CZO:	Ag-20A

**TRUST LAND STATUS:**

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES \_\_\_\_\_ NO x

CURRENT USE STATUS:

Vacant

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove stream-flow monitoring station over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

EASEMENT TERM:

Thirty-five (35) years.

ANNUAL RENT:

Not applicable

RENTAL REOPENINGS:

Not applicable

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached below as **Exhibit C**.

DCCA VERIFICATION:

Not applicable. The Applicant as a federal government agency is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

By letter dated July 15, 2010, the USDA Forest Service requested an easement, which would allow it to install, operate and monitor a streamflow monitoring station at Manowaiopae Stream in Laupahoehoe, North Hilo, Hawaii. The monitoring station will consist of a bubbler orifice line anchored to the streambed and coupled to a small instrument station located above the stream bank. The instrument shelter will house a pressure transducer, data logger, and transmitter; two sealed 26 amp-hour batteries coupled with a voltage regulator and solar panel. A small GOES antenna will be mounted on top of the shelter. Data from this gage will be transmitted in real-time. A crest-stage gage used to record flood peaks, made from 2-inch diameter steel pipe, will be mounted at the stream bank. A staff plate will be located near the crest gage. The crest-gage, staff plate, and orifice pipes will be securely anchored to a 1-inch diameter steel rod driven in the ground. There will be no channel or bank dredging or filling. The pipes will be mounted to minimize trapping of debris. Installation will occur during a period of low flow. The total easement area required is estimated to be 36 square feet. **(Exhibit B)**

During the term of the easement, the Federal Government will be liable for any loss or injury to persons related to the installation, operation, maintenance, and other activities associated with the monitoring station, in accordance with, and to the extent permitted under, the Federal Tort Claims Act (28 U.S.C. & 1346(b) and 2671 et seq). Signs will be installed showing the monitoring station is the property of the Federal government.

USDA Forest Service has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Staff is of the opinion that this project qualifies for an exemption from preparation of an environmental assessment because, 1) the project will consist of only minor alteration in the condition of land, water, and vegetation, and 2) Its purpose is only for basic data collection, research, experimental management, and resource evaluation activities. Such use is presumed to result in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Staff solicited comments from various government agencies and interest groups. To date, all respondents had no objections to the project.

AGENCIES	COMMENTS
<b>County of Hawaii</b>	
Planning Department	No objections
Public Works	No response
<b>State of Hawaii</b>	
DLNR-Aquatic Resources	No objections
DLNR-CWRM	No objections
DLNR-Historic Preservation	No response
DLNR-OCCL	No response
<b>Other Agencies/ Interest Groups:</b>	
Office of Hawaiian Affairs	No response

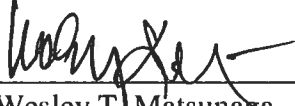

**RECOMMENDATION:** That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a term non-exclusive easement to USDA Forest Service covering the subject area for streamflow monitoring station purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current term easement document form, as may be amended from time to time;
  - B. Review and approval by the Department of the Attorney General; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Grant an Immediate Construction Right-of-Entry to USDA Forest Service, its contractors, consultants, and/or persons acting for or on its behalf, subject to the following terms and conditions:
  - A. The standard terms and conditions of the most current construction right-of-entry document form, as may be amended from time to time;
  - B. This right-of-entry is effective upon Land Board approval and shall terminate upon issuance of the grant of easement document;

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- C.      Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
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Wesley T. Matsunaga  
Land Agent 

APPROVED FOR SUBMITTAL:

  
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Laura H. Thielen, Chairperson

a





Monitoring Station will be located on stream bank directly across from person in photo.

**EXHIBIT A**

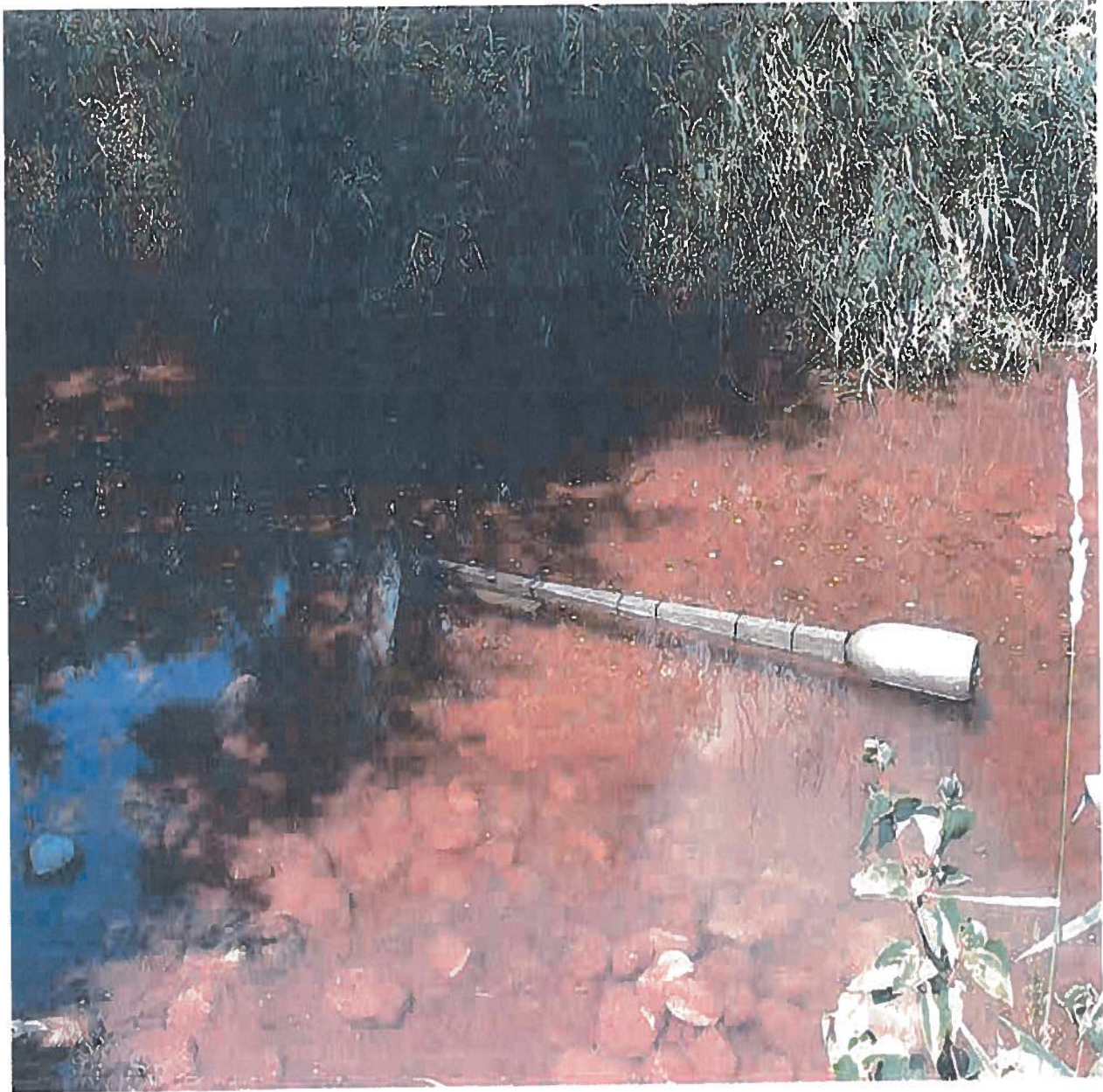




**Instrument shelter, solar panel, with GOES antenna.**

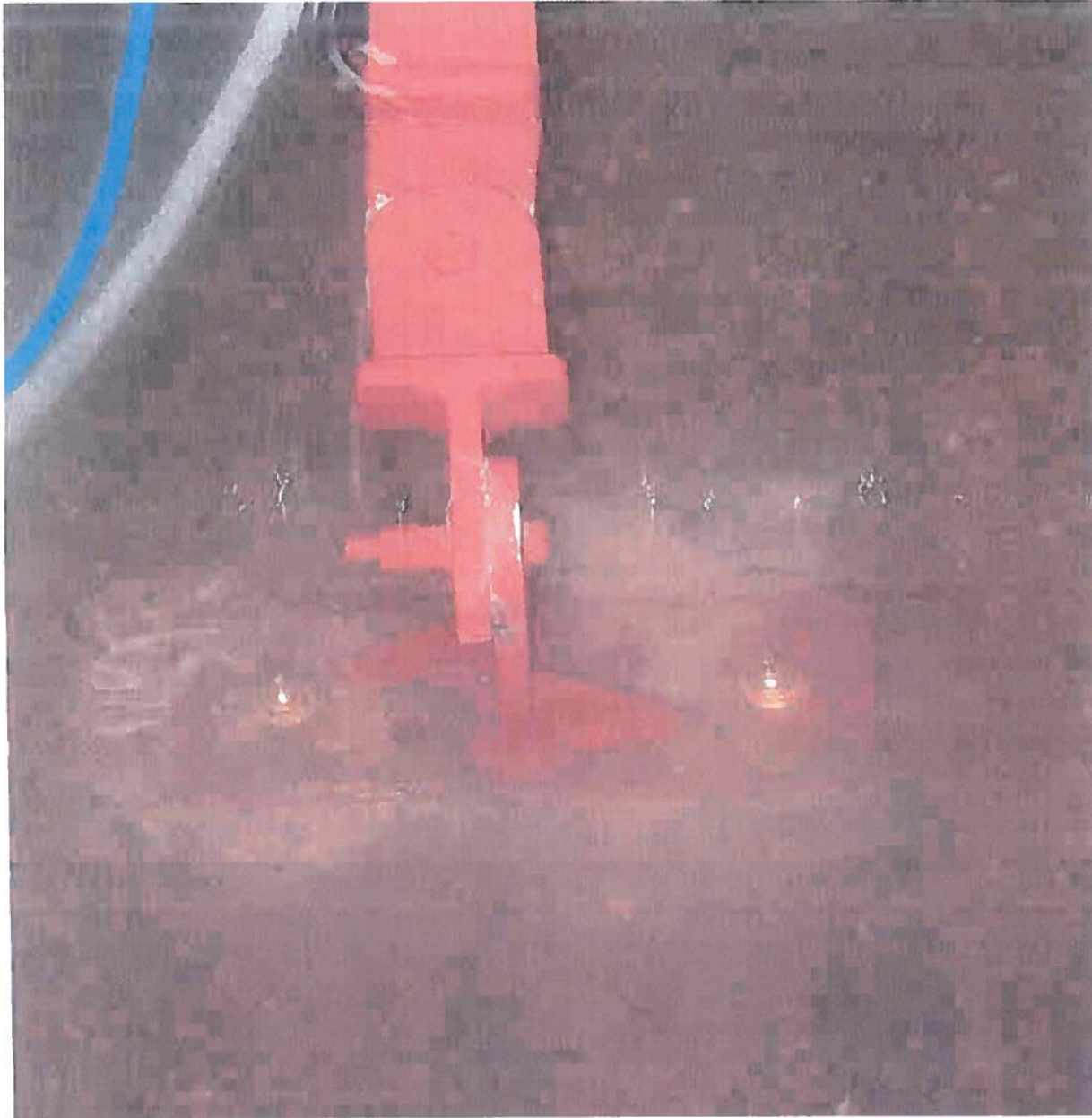
**EXHIBIT B**





**Bed mounted boom to carry instrument sensors.**

## **EXHIBIT B**

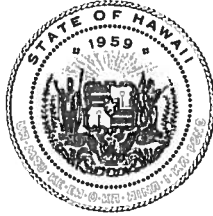


**Boom mounting on streambed.**

**EXHIBIT B**

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LINDA LINGLE  
GOVERNOR OF HAWAII



LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Grant Of Perpetual, Non-Exclusive Easement For Stream-Flow Monitoring Station Site Purposes.  
Project / Reference No.: PSF No.: 10HD-146  
Project Location: Manowaiopae, North Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 3-6-006:007.  
Project Description: Grant of Term, Non-Exclusive Easement For Stream-Flow Monitoring Station Purposes.  
Chap. 343 Trigger(s): Use of State Lands.  
Exemption Class No. and Description: In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to:

**Exemption Class No. 4**, which states, "Minor alterations in the conditions of land, water or vegetation."

**Exemption Class No. 5**, that states, "Basic data collection, research, experimental management, and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource."

Exemption Item Description from Agency Exemption List: Basic data collection, research, experimental management, and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource.

**EXHIBIT "C"**

Consulted Parties: Minor alterations in the conditions of land, water or vegetation. The Commission on Water Resource Management and Aquatic Resources was consulted as a source authority having jurisdiction or expertise in this matter, and concur that the exemption identified above is applicable to and appropriate for the proposed project.

Recommendation: The USDA Forest Service project requires the use of State land, particularly the banks of Manowaiopae Stream. The USDA's use of the stream bank will require only minor alteration in the conditions of land, water or vegetation. Its purpose is for data collection, research, experimental management, and resource evaluation activities. Should any aspect of the USDA project result in a material change, USDA will be required to comply with HRS, Chapter 343, as amended.

It is recommended that the Land Board find that this project is exempt from Chapter 343, HRS, as it will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

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Laura H. Thielen, Chairperson

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Date